

REMARKS

Applicant is submitting this Amendment under the provisions of Rule 312(a) to correct the inadvertent cancellation of one of the dependent claims in this case.

In the Examiner's Amendment/Comment that was appended to the Notice of Allowability for this case (PTOL-37), mailed August 9, 2006, the Examiner cancelled claim 5, noting that even though applicant had remarked, in the Amendment and Response to Office Action filed on June 22, 2006 (hereinafter the "Amendment"), that applicant was cancelling dependent claim 5, applicant had inconsistently presented claim 5 in the claim set nonetheless, characterizing it as "Presently Amended." Applicant does not disagree with the cancellation of claim 5 by the Examiner, since as the Examiner correctly inferred, applicant really did intend to cancel that claim.

However, the cancellation of claim 5 by the Examiner has raised another issue, specifically with respect to former dependent claim 3. In particular, applicant intended to cancel not only claim 5, but dependent claim 4 as well. Nevertheless, in the Amendment applicant's undersigned counsel inadvertently designated claims 3-4 as the claims to be cancelled (rather than claims 4-5), thus inadvertently cancelling claim 3, a claim that applicant had intended to retain.

Claim 3 was dependent from claim 2; thus, claim 3 was directed to the apparatus of claim 1, in which the streams converge to form a dome-like display (as recited in claim 2), and in which the sink cavity has a hemispherical shape, and as the Examiner will appreciate, neither the prior art nor any other requirement imposed by the Examiner compelled the cancellation of this claim. Indeed, the Examiner will recognize that the scope of dependent claim 3 was analogous to that of dependent claim 14, and that claim 3 bore the same relationship to independent claim 1 as dependent claim 14 bears to independent claim 12. Since claim 14 has been allowed, applicant submits that claim 3, had it not been inadvertently cancelled, was allowable and would have been allowed as well.

Further evidence of applicant's intent to retain claim 3 may be found in the last sentence of the last full paragraph on page 9 of the Amendment, wherein it was stated that "[s]ome of the other claim dependencies have been adjusted as a result of the cancellation of claims 4, 5, 13, 15 and 16," thus indicating that applicant really had intended to cancel claims 4 and 5, rather than claims 3 and 4.

In view of the foregoing, applicant should be entitled to "reinstate" the inadvertently cancelled claim 3, and in order to do so applicant now seeks to amend this application as set forth above so as to add a new claim 26, which is identical in scope and in wording to former claim 3.

In addition to the "reinstatement" of claim 3, applicant also seeks now to amend dependent claim 17 so that it will depend from independent claim 12, rather than from dependent claim 14. In the Examiner's Amendment/Comment, the Examiner amended claim 6 to depend from claim 1 (rather than from cancelled claim 5), a change with which applicant does not disagree. However, since claim 17 bears the same relationship to independent claim 12 as dependent claim 6 bears to independent claim 1, applicant seeks to utilize the same dependency scheme in both claim strings.

Entry of this amendment under the provisions of Rule 312(a) is respectfully requested. The scope of the invention as defined in the claims is not being changed. No new matter is being introduced.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on:

Date of Deposit October 4, 2006

David S. Kashman; Reg. No. 28,725
(Name of applicant, assignor or Registered Representative)

David S. Kashman
(Signature)

October 4, 2006
(Date of Signature)